

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NICOLAS A.N. CHARLES,

Plaintiff,

-v.-

T-MOBILE USA, INC.; ASSURANCE WIRELESS,

Defendants.

25 Civ. 702 (KPF)

ORDER

KATHERINE POLK FAILLA, District Judge:

An initial pretrial conference was held in this matter on June 11, 2025, at which Plaintiff and counsel for Defendant T-Mobile USA, Inc. (“T-Mobile”) appeared telephonically. During the conference, the Court discussed with the parties the status of service efforts on Defendant Assurance Wireless, and committed to exploring the issue further with the United States Marshals Service (the “USMS”) after the conference.

The Court was advised by a USMS representative that service was attempted on Assurance Wireless on or about April 11, 2025, by mailing the summons and complaint in this case to a post office box in Kileen, Texas. After further discussions, the USMS agreed to attempt service a second time via mail to the Kileen post office box, as well as mail to post office boxes in Charleston, Illinois, and Reston, Virginia. The Court will allow the USMS time to effect those mailings, which cover all of the addresses for Assurance Wireless that the USMS and the Court were able to identify. Defendant T-Mobile’s obligation to answer or otherwise respond to the complaint remains stayed pending further order of the Court.

Finally, counsel for T-Mobile advised the Court that his firm had represented Assurance Wireless in other matters. If counsel is aware of an additional service address for Assurance Wireless, the Court would appreciate receiving that information. For now, the Court believes that Plaintiff and the USMS have undertaken efforts that were “reasonably calculated” to give Assurance Wireless notice of the lawsuit and an opportunity to respond. See *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

The Clerk of Court is directed to mail a copy of this Order to Plaintiff at his address of record.

SO ORDERED.

Dated: June 11, 2025
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

KATHERINE POLK FAILLA
United States District Judge